

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

CLIFTON MASSEY,)
vs.)
Petitioner,) Case No. 1:13-cv-1067-TWP-TAB
D. ZATACKY,)
Respondent.)

E N T R Y

Presently before the court is habeas corpus petitioner Clifton T. Massey's motion for discovery.

Rule 6(a) of the *Rules Governing '2254 Cases*, 28 U.S.C. ' 2254, allows habeas corpus petitioners to conduct civil discovery "if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise." *See Bracy v. Bramley*, 520 U.S. 899, 904 (1997) ("A habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course"). In order to be entitled to discovery, a petitioner must make specific factual allegations that demonstrate that there is good reason to believe that the petitioner may, through discovery, be able to garner sufficient evidence to entitle him to relief. *See id.* at 908-09.

The motion for discovery is insufficient. The motion identifies what item he seeks—all papers, documents, correspondence, or memos that petitioner has written to the respondent concerning this action. The petitioner states that these documents will show the respondent's indifference to the petitioner's concerns. There is no identifiable connection between the documents sought and the petitioner's entitlement to habeas corpus relief. Correspondence

written by the petitioner could not be understood to reflect the respondent's mental impressions. Without a plausible basis to conclude that the discovery sought could lead to sufficient evidence to entitle the petitioner to relief, "good cause" for the discovery sought has not been shown.

The motion for discovery [dkt. 10] is therefore **denied**.

IT IS SO ORDERED.

Date: 09/26/2013

Distribution:
Clifton Massey
No. 894401
Pendleton Correctional Facility
4490 West Reformatory Road
Pendleton, IN 46064

Electronically Registered Counsel



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana